

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

FREDERICK BANKS, #05711-068

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09cv211-DCB-MTP

INMATE SAMUEL CHECK, et al.

RESPONDENTS

**FINAL JUDGMENT**

This cause is before the court, *sua sponte*, for consideration of dismissal. Pursuant to the memorandum opinion and order issued this day, it is hereby, ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed without prejudice so that the petitioner may pursue his claims relating to his alleged unlawful sentence as a result of the United States Supreme Court's ruling in *Santos in Banks v. Pearson*, 5:09cv132-DCB-MTP, and pursue his claims concerning his housing assignment in a non-habeas civil action.

SO ORDERED AND ADJUDGED, this the 26th day of February, 2010.

s/David Bramlette  
UNITED STATES DISTRICT JUDGE